

REMARKS

Claims 1-4 are pending.

Claims 5-7 have been previously withdrawn.

Drawings are objected to for the numbering of items in FIG. 1.

Claims 1-4 stand rejected for indefiniteness due to the description of the "flared extension portion" of claim 1 being "unclear".

Claim 1 is currently amended to clarify terminology in this application so as to put the claims in condition for allowance.

The rejection of Claims 1-4 for anticipation by Gentes is first withdrawn in the current Office Action, and then reinstated:

Item 1 of the current Office Action: The rejection of claims 1-4 as anticipated by Gentes, in the Office Action dated March 7, 2006 is "withdrawn due to Applicant's amendments in the response dated June 9, 2006".

Item 5 of the current Office Action: Claims 1-4 are rejected as anticipated by Gentes (using the exact language and arguments as used in the Office Action of March 7, now withdrawn). Further, it is stated that Applicant's arguments, re claims 1-4 and Gentes, are now rendered moot by the "new grounds of rejection".

In response to the Office Action:

Regarding item 2; the objection to the drawings:

A replacement drawing sheet having amended item numbers is appended.

Reconsideration of the objection is respectfully requested.

Regarding items 3, 4; the indefiniteness rejection:

Examiner does not point out exactly what is unclear about the flared extension portion, referring to page 5, lines 19,20 " "extension portion molding area 304 adapted to mold part of the thin sheet base material" is part of the mold and not the base sheet material. This is also supported by Figure 3, #304."

However, the extension portion *molding area* 304, which is part of the mold, is not the same item as the *flared extension portion* 43, which is *part of the base material*; as the Examiner appears to mistake. This would have been made more clear if Examiner had included the remainder of the quoted sentence: "an extension portion molding area 304 adapted to mold a part of the thin sheet base material 1 into the aforesaid *flared extension portion* 43, around the border 42 of the cover layer main body 41" (emphasis added). Applicant does not understand the confusion between differently numbered items, but the sentence is herein amended slightly in an attempt at improved clarity.

Reconsideration of the indefiniteness rejection is respectfully requested.

Regarding Items 1, 5; the rejection of claims 1-4 for anticipation by Gentes:

Applicant submits that the anticipation by Gentes rejection was properly withdrawn as a result of prosecution on merits, and that reinstatement of the anticipation rejection, in some kind of apparently combination rejection with indefiniteness, is improper. Examiner appears to recognize that the instant invention includes features not present in Gentes (such as the flared extension portion, and the elevated border), but apparently believes that these features need not be considered with regard to anticipation if they are deemed to be not clearly enough described. Applicant protests that the key issue for anticipation is whether or not the features are present in the instant claims but not in Gentes. If they are not clearly described, that is an issue of indefiniteness as addressed above, but not of anticipation.

However, given that the anticipation rejection is again present in the Office Action, Applicant must respond by reviewing the arguments previously presented in the response dated June 9, 2006:

Applicant has carefully considered the Office Action, and respectfully traverses Examiner's arguments that claims 1-4 of the instant invention are anticipated by Gentes, for several reasons which the claims have been amended to clarify.

Anticipation requires that the cited reference contain *all* of the elements and limitations of the instant invention. Applicant respectfully submits that Gentes lacks several elements and/or limitations present in currently amended claim 1 of the instant invention. For

example, the instant invention has a semi-finished cover layer composed of multiple portions or elements, each having a different function. For anticipation, Gentes must have *all* of these elements. However, as Applicant will show in the table below, Gentes has some, but not all, of the elements of the instant invention:

| <u>Instant invention elements</u> | <u>FIG. 3,4</u> <u>Item #</u> | <u>Gentes equivalent elements</u> | <u>FIG. 1,2</u> <u>Item #</u> |
|--|----------------------------------|--|----------------------------------|
| semi-finished cover layer | 4 | clear plastic molding | 10 |
| cover layer main body | 41 | cover shell | 12 |
| border, elevated above peripheral material | 42 | | |
| flared extension portion | 43 | | |
| peripheral material | 11 | retainer (col. 3, lines 11-18; called "border member" in the claims) | 14 |

Applicant agrees with Examiner's citation of Gentes' clear plastic molding 10, cover shell 12, and retainer 14 as equivalents to the instant invention's semi-finished cover layer 4, cover layer main body 41, and peripheral material 11, respectively.

However, Examiner then cites an "extension portion(Column 2, lines 65-68).. suspended between the border of said cover layer main body and said peripheral material (Figures 1 and 2) as in claims 1 and 4". Applicant does not find any mention or illustration of a flared extension portion, as in the instant invention, or of any equivalent. Column 2, lines 65-68, which Examiner refers to, do not mention any structural elements other than the "clear plastic molding 10" which is the entire structure. Claims 1,4 are process claims and do not meaningfully identify the relationship between any structural elements. In FIG. 1,2 the cover shell 12 connects directly to the retainer 14, at a line of intersection, in the plane of the retainer 14, without any intervening element that would correspond to the flared extension portion of the instant invention.

Applicant finds no support for a flared extension portion in Gentes, where the cover shell 12 is connected directly to the retainer 14 with no intervening part. Perhaps Examiner

mistook the styling line 24 in FIG. 2 as a structural element. Styling line 24, however, is a decoration (col. 3, lines 49-53) and the structural material is continuous across the line even in the final product. There is also no equivalent of the border 42, elevated above the peripheral area, of the instant invention which is a pre-designated separation line for the final product. The fact that the border is elevated is significant in allowing more complex geometries for the final product.

Claim 1 is amended to further clarify the differences between the flared extended portion 43 and the border 42 elevated above the peripheral material of the instant application, and the absence of equivalent structural elements in Gentes.

Applicant respectfully submits that Gentes does not contain all of the elements and limitations of the claim 1 of the instant invention, lacking the flared extension portion and the elevated border, and does not meet the threshold requirements for an anticipation rejection of claim 1.

In response to Examiner's arguments regarding the flared extension portion:

Examiner says only "please see the newly presented rejection above", apparently referring to the indefiniteness rejection. However, the description of the flared extension portion is herein amended for greater clarity. Applicant submits that the differences, between the amended instant description and that of Gentes, would be understood by a practitioner of average skill in the art. If Examiner wishes to assert personal knowledge, a formal affidavit is requested.

In response to Examiner's arguments regarding the flared extension portion:

Examiner correctly points out that Gentes also has a border formed when the excess material is cut away, however, Examiner ignores the instant further limitation that the instant border be "*elevated* above said peripheral material". The border in Gentes lies in the plane of the retainer and is not *elevated*.

With respect to the dependent claims, if the base claim is not anticipated then the dependent claims are also not anticipated. Further, the dependent claims add limitations that additionally are not present in Gentes.

Reconsideration of the anticipation rejection is respectfully requested.

Applicant believes that this amendment answers all instances in which the Examiner rejected or objected, and that the amendment places all remaining claims in condition for allowance.

CONCLUSION

In view of the foregoing, Applicant believes all claims now pending in this application are in condition for issue. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at (408) 358-0489.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'R. Willgohe', with a long horizontal flourish extending to the right.

Ralph H. Willgohe

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